

## **REMARKS**

### **Claims:**

Applicant has amended claims 17, 19, and 21 for clarity and consistency.

Applicant has amended claims 23 through 25 in light of prior art US Patent 6,728,558 to Kubo which was cited by the examiner in the current office action, and also to add the restriction of providing a silent ring indication after the termination of any audible ring indication.

New claims 54 through 58 have been added to cover the scenario where button presses on a mobile phone cause the termination of an audible ring indication, rather than the opening of a flip phone as described for claims 23 through 25 and new claims 52 and 53. The method of using button presses to cause a termination of audible ring indication is disclosed in applicant's specification and is quite similar in functionality to the act of opening a flip phone.

New claims 59 and 60 cover the termination of an audible ring indication on a flip-type mobile phone combined with the courtesy answering message methodology per applicant's specification, this combination being appropriate since both of these functionalities specifically address the purpose of creating a more courteous experience for those who happen to be near a person receiving a call on a mobile phone.

New claims 61 and 62 cover the termination of an audible ring indication on any type of mobile phone by way of specific button presses, combined with the courtesy answering message methodology per applicant's specification, both of these features being conceived for the purpose of creating a more courteous experience for those who happen to be near a person receiving a call on a mobile phone.

It should be noted that published US patent applications describing courtesy answering message methodologies to Gusler (20030100261) and Byers (20030054865), which were

previously cited in prior office actions regarding the present application, do not include any provision for terminating an audible ring indication nor replacing it with a silent ring indication. As these inventors were focused on creating a courteous environment surrounding an individual receiving a call on a mobile phone, applicant suggests that it was not obvious to them to combine applicant's modification of ring indication with their respective inventions, even though to do so would have created a functionality capable of providing yet a greater degree of courtesy to others.

New claims 53, 58, 60, and 62 include a provision for extending the amount of time a silent ring indication persists before the caller is automatically sent to voicemail if no action is taken by the receiving party, a feature which is disclosed in applicant's specification. This capability removes some of the time pressure from the receiving party, allowing them extra time to determine how they wish to process a particular call.

#### **Claim Rejections - 35 USC § 102**

As pointed out by the examiner in item 3 in the current office action, prior art US Patent 6,728,558 to Kubo teaches that an action by the receiving party, prior to actually answering a call, causes a reduction in the volume of ringing. In the case of Kubo, this action consists of sliding the cover of a mobile phone to expose a keyboard. Applicant concedes that this precludes the inclusion of claims in the present application which call for a reduction in volume of an audible ring indication based on an action by the receiving party prior to answering a call.

However, Kubo does not call for the termination of a ring indication. Applicant would like to point out that while Kubo states that his reduction in the volume of ringing has the advantage of "quickly reducing ringing that offends those around the user by opening the cover", he stopped short of actually eliminating the audible ring indication. Since Kubo was intending to create a courteous environment surrounding the receiving party, then Kubo should have eliminated the audible ring indication altogether, if it was obvious to do so. Also, the termination of an audible ring indication alone is not adequate and must be followed by the initiation or persistence of a silent ring indication of some kind as

disclosed and claimed by applicant, if the mobile phone is to function acceptably. To include a silent ring indication was apparently not obvious to Kubo who is definitely skilled in the art and in fact was addressing the same problem as applicant.

### **Claim Rejections - 35 USC § 103**

Item 4 in the current office action cites Kubo in view of Carley, and states that "Carley teaches where upon terminating any audible ring indication or reducing its volume a silent vibrating ring indication is initiated". Applicant respectfully submits that Carley does not teach that an action by the user causes the ring indication to change from audible to silent during the processing of an incoming call. In fact, Carley teaches that silent ring indications should be made audible by some remote means. Carley makes no mention of creating a more courteous way of answering a call to a mobile phone. The problem Carley addresses is that of locating a lost mobile phone which has been previously set to a silent alert mode, thereby preventing the owner from calling the phone and determining its physical location by way of an audible ring indication. Carley describes a methodology whereby the ring indication mode of a mobile phone may be altered remotely by the user such that a lost phone may always be physically located by an audible ring indication.

Item 5 in the current office action states that Dowlat, combined with Kubo and Carley, teaches that a flashing icon on the display of the mobile phone continues to provide a ring indication upon terminating any audible ring indication. Applicant respectfully disagrees. Please note that none of Kubo, Carley, or Dowlat teach that an audible ring indication should be terminated followed by the initiation or persistence of a silent ring indication. The background section of Dowlat's application teaches that an incoming call alert may take the form of a displayed icon. However, simply having a visual display indication of an incoming call is well-known in the art. This is also mentioned in Carley in paragraph [0011]. Dowlat however mentions no transition from an audible alert to a silent alert as required in applicant's claims, and in fact the purpose of Dowlat's invention is quite different than that of applicant. Dowlat desires to have different forms of alerts on a

mobile phone such that different categories of incoming calls will correspond to different forms of alerts, thereby providing to the receiving party information as to the content of the message or call prior to actually answering the call.

Applicant submits that none of the cited prior art mentions a transition from an audible alert to a silent alert as required in applicant's claims, and that only Kubo mentions a concern for disturbing others during the answering of a mobile phone call. Hence, applicant does not see an appropriate motivation for combining these references, and without the teaching of a transition from an audible to silent alert, applicant respectfully submits that these combined references do not render applicant's invention obvious.

**Conclusion:**

Applicant requests that the application proceed to issue with the claims as shown.